

REMARKS

A. INTRODUCTION

In the non-final Office Action mailed on August 10, 2006, the Examiner rejected claims 1-3, 6, 8, 9, and 62-71 under 35 U.S.C. § 103(a) over U.S. Patent No. 6,411,960 to Fisher and U.S. Patent No. 6,415,264 to Walker et al. ("Walker"); rejected claim 4 under 35 U.S.C. § 103(a) over Fisher, Walker, and U.S. Patent No. 6,044,363 to Mori et al.; rejected claim 5 under 35 U.S.C. § 103(a) over Fisher, Walker, and U.S. Patent No. 6,078,901 to Ching; rejected claim 7 under 35 U.S.C. § 103(a) over Fisher, Walker, and U.S. Patent No. 6,799,165 to Boesjes; and rejected claim 10 under 35 U.S.C. § 103(a) over Fisher, Walker, and U.S. Patent No. 6,393,426 to Odom et al.

Applicant herein amends claims 1, 62, and 68 and cancels claims 2, 63, 64, and 67. As a result, claims 1, 3-10, 62, 65, 66, and 68-71 are presently pending. For the reasons discussed in detail below, applicant submits that each of these pending claims is now in condition for allowance.

B. APPLICANT'S TECHNIQUES

Applicant's techniques are directed to facilitating commercial transactions by sending transaction price data to a user's computer system in the form of a suggested bid price for an item in an auction. In addition, transaction price data may be sent to a seller's computer system in the form of a suggested price for an item offered for sale in a fixed price transaction. Items are classified according to one or more classifications, and each classification may have its own set of attributes. For example, a diamond ring may be classified as "jewelry" and have the attributes "condition" and "color." A diamond ring may also be classified as "diamond" and have the attributes "condition," "color," "clarity," and "cut." Another item, such as a car, might be classified as "automobile" and have the attributes "make," "model," "year," and "mileage."

Applicant's techniques allow a user or seller to search for price information about products meeting specific criteria. The user or seller may be allowed to specify an item classification and values for the item's attributes. For example, a user may select

"jewelry" as the item classification and "condition = good" and "color = white" as the attribute values.

Applicant's techniques involve recording information relating to commercial transactions for identified items. When a particular classification and attribute values are entered by a user or seller, records of commercial transactions that match the classification and attribute values are identified. These records are analyzed and, based on the identified prior transactions, transaction price data is sent to the user or seller's computer system in the form of a suggested price.

C. FISHER

Fisher describes an electronic catalogue system with an associated database. Fisher allows users to retrieve information from the catalogue on a particular product. When the user selects a product, the system searches database tables for data items related to the selected product. Fisher utilizes one or more templates to generate an information page containing data on the selected product. The data displayed may include product features, images, price, and other data. In addition, Fisher allows vendors to upload product information and design templates that specify the manner in which the information will be displayed.

D. WALKER

Walker describes receiving information from a potential seller about an item to be sold. The information may include the type of item, reputation of the seller, floor price, condition of the item, and other information. Based on the received information, Walker determines an amount that will be paid to the seller in exchange for posting the item for sale.

E. PRIOR ART REJECTIONS

Claims 1, 3-10, 62, 65, 66, and 68-71 stand rejected over Fisher and Walker alone or in combination with other references, under 35 U.S.C. § 103(a). Although applicant disagrees, applicant has amended the claims to further clarify the subject matter of the invention.

All of the claims are directed to receiving an item classification, receiving an input value for one or more attributes, retrieving records of transactions for items that match the selected classification and attribute value(s), and analyzing the retrieved records to generate transaction price data. For example, independent claim 1 recites:

A method in a computer system for generating transaction price data for an item, the method comprising: ...

receiving a selection of an item classification from a user's computer system; ...

receiving an input value for at least one attribute within the set of identified attributes from the user's computer system;

retrieving records of transactions for items that are classified within the selected item classification and that match the received input value of the one or more identified attributes;

analyzing the retrieved records to generate transaction price data for the item.

Moreover, applicant has amended the claims to explicitly recite the sending of transaction price data to a user or seller's computer system. Claims 1 and 62 have been amended to recite:

sending to the user's computer system the generated transaction price data as a suggested bid price for an item in an auction.

In addition, claim 68 has been amended to recite:

sending to the seller's computer system the generated transaction price data as a suggested price for an item offered for sale in a fixed price transaction.

Neither Fisher nor Walker sends transaction price data to a user or seller's computer system as a suggested price. While Fisher may display a product's price to a user (col. 5, lines 6, 11-13; col. 8, lines 13-26), Fisher does not teach or suggest basing the price on transaction price data that is generated by analyzing similar transactions. In addition, Fisher does not send transaction price data to a user's computer system as a suggested bid price for an item in an auction, nor does it send transaction price data to a seller's computer system as a suggested price for an item offered for sale in a fixed price transaction. Instead, Fisher displays to the user *the* price of a catalog item.

In addition, while Walker may estimate the value of an item to be posted for sale based on past posts, it does not teach or suggest sending transaction price data to a user or seller's computer system. Walker describes:

Based on the information in the posting database, the posting site device can examine past posts for the same class and type of item ... The posting site device may estimate the value of the item based on, by way of example only, sales during the past year for the item, the last fifteen similar items sold, or a trend analysis for sales of similar items.

(col. 7, lines 4-6, 15-19). Unlike applicant's techniques, however, Walker does not send transaction price data to a user or seller's computer system, and in particular does not provide a user or seller with a suggested price for an item. Instead, Walker determines an amount that may be paid to the seller in return for posting the item for sale:

... the posting site device determines, based on the received information, a "posting payment amount." As used herein, a "posting payment amount" may comprise, for example, an amount of money to be paid to the seller in return for posting the item to be sold.

(col. 3, lines 62-67). Rather than providing transaction price data to either a seller or user in the form of a suggested price (e.g., \$25.00), Walker determines an amount that will be paid to a seller for posting a particular item (e.g., \$2.50 for a \$25.00 item with certain features).

Neither of the prior art references teaches or suggests sending transaction price data to a user or seller's computer system as a suggested price. Accordingly, all pending claims are patentable over the applied prior art references.

F. CONCLUSION

Based upon the amendments and remarks, applicant respectfully requests re-consideration of this application. If the Examiner has any questions or matters that can be expediently handled by telephone, she is encouraged to contact the undersigned at (206) 359-8548.

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